

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
AT KNOXVILLE

DEBORAH JOAN BRUMITTE,	)	
	)	
Plaintiff,	)	
	)	
v.	)	No.: 3:08-CV-53
	)	(VARLAN/SHIRLEY)
MICHAEL J. ASTRUE,	)	
Commissioner of Social Security,	)	
	)	
Defendant.	)	

**ORDER**

This Social Security appeal is before the Court on the Report and Recommendation filed by United States Magistrate Judge C. Clifford Shirley, Jr. [Doc. 26]. There have been no timely objections to the report and recommendation, and enough time has passed since the filing of the report and recommendation to treat any objections as having been waived. *See* 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b). In his report and recommendation, Magistrate Judge Shirley recommended that plaintiff's Motion for Attorney Fees and Costs [Doc. 23], made pursuant to the Equal Access to Justice Act, be denied.

The Court has carefully reviewed this matter, including the motion for attorney fees [Doc. 23], and defendant Commissioner of Social Security's Response to Plaintiff's Motion for Attorney Fees and Costs [Doc. 25]. The Court is in agreement with Magistrate Judge Shirley's report and recommendation, which the Court adopts and incorporates into its ruling.

Accordingly, plaintiff's Motion for Attorney Fees and Costs [Doc. 23] is hereby **DENIED**.

The Court **ACCEPTS IN WHOLE** the Report and Recommendation [Doc. 26].

IT IS SO ORDERED.

s/ Thomas A. Varlan

UNITED STATES DISTRICT JUDGE